



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 170

WEDNESDAY, MARCH 1, 2006

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to emergency management services license plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 186.162 is amended to read as follows:

2 (1) As used in this section and in KRS 186.043, 186.164, 186.166, and 186.174:

3 (a) "Special license plate" means a unique license plate issued under this chapter
4 to a group or organization that readily identifies the operator of the motor
5 vehicle bearing the plate as a member of a group or organization, or a
6 supporter of the work, goals, or mission of a group or organization. The term
7 shall not include regular license plates issued under KRS 186.240;

8 (b) "Street rod" means a modernized private passenger motor vehicle
9 manufactured prior to the year 1949, or designed or manufactured to resemble
10 a vehicle manufactured prior to 1949;

11 (c) "SF" means the portion of an initial or renewal fee to obtain a special license
12 plate that is dedicated for use by the Transportation Cabinet;

13 (d) "CF" means the portion of an initial or renewal fee to obtain a special license
14 plate that is dedicated for use by a county clerk; and

15 (e) "EF" means the portion of an initial or renewal fee to obtain a special license
16 plate that is mandated by this chapter to be dedicated for use by a particular
17 group or organization.

18 (2) The initial purchase fee and renewal fee for a special license plate created under this
19 chapter shall be as established in this subsection and includes the name of group or
20 organization and the total initial and renewal fee required for the plate. The amount
21 in parentheses indicates how the total fee is required to be divided:

22 (a) Disabled veterans who receive assistance to purchase a vehicle from the
23 United States Veterans' Administration and recipients of the Congressional
24 Medal of Honor:

25 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

- 1 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- 2 (b) Former prisoners of war and survivors of Pearl Harbor:
- 3 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust
- 4 fund established under KRS 40.460).
- 5 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
- 6 (c) Members of the Kentucky National Guard:
- 7 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust
- 8 fund established under KRS 40.460).
- 9 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust
- 10 fund established under KRS 40.460).
- 11 (d) Recipients of the Purple Heart; members of the Civil Air Patrol; active,
- 12 retired, veteran, reserve, or auxiliary members of the United States Army,
- 13 Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who
- 14 served between December 7, 1941, and August 15, 1945; and disabled
- 15 veterans who have been declared to be at least seventy percent (70%) service-
- 16 connected disabled by the United States Department of Veterans' Affairs, or
- 17 who receive total service-connected disability rating for compensation on
- 18 individual unemployability and have not received assistance from the United
- 19 States Department of Veterans' Affairs toward the purchase of a motor
- 20 vehicle:
- 21 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 22 program trust fund established under KRS 40.460).
- 23 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 24 program trust fund established under KRS 40.460).
- 25 (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force
- 26 Cross:
- 27 1. Initial Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).

- 1 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
- 2 (f) Disabled license plates:
- 3 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 4 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 5 (g) Historic vehicles:
- 6 1. Initial Fee for two plates: \$53 (\$50 SF/\$3 CF/\$0 EF).
- 7 2. Renewal Fee: Do not renew annually.
- 8 (h) Members of Congress:
- 9 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 10 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 11 program trust fund established under KRS 40.460).
- 12 (i) Volunteer firefighters:
- 13 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 14 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 15 (j) ~~[Disaster and]~~Emergency management~~[services]~~:
- 16 1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
- 17 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 18 (k) Fraternal Order of Police:
- 19 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 20 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 21 (l) Law Enforcement Memorial:
- 22 1. Initial Fee: \$75 (\$62 SF/\$3 CF/\$10 EF to the Kentucky Law
- 23 Enforcement Memorial Foundation, Inc.).
- 24 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Law
- 25 Enforcement Memorial Foundation, Inc.).
- 26 (m) Personalized plates:
- 27 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).

- 1 2. Renewal Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 2 (n) Street rods:
- 3 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 4 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 5 (o) Nature plates:
- 6 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage
- 7 Land Conservation Fund established under KRS 146.570).
- 8 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky
- 9 Heritage Land Conservation Fund established under KRS 146.570).
- 10 (p) Amateur radio:
- 11 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 12 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 13 (q) Kentucky General Assembly:
- 14 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 15 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 16 program trust fund established under KRS 40.460).
- 17 (r) Kentucky Court of Justice:
- 18 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- 19 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans'
- 20 program trust fund established under KRS 40.460).
- 21 (s) Masons:
- 22 1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
- 23 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- 24 (t) Collegiate plates:
- 25 1. Initial Fee: \$50 (\$37 SF/\$3 CF/\$10 EF to the general scholarship
- 26 fund of the university whose name will be borne on the plate).
- 27 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the general

1 scholarship fund of the university whose name will be borne on the
2 plate).

3 (u) Independent Colleges:

4 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Association of
5 Independent Kentucky Colleges and Universities for distribution to the
6 general scholarship funds of the Association's members).

7 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Association of
8 Independent Kentucky Colleges and Universities for distribution to the
9 general scholarship funds of the Association's members).

10 (v) Child Victims:

11 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the child victims' trust
12 fund established under KRS 41.400).

13 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the child victims'
14 trust fund established under KRS 41.400).

15 (w) Kentucky Horse Council:

16 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Horse
17 Council).

18 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky
19 Horse Council).

20 (x) Ducks Unlimited:

21 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to Kentucky Ducks
22 Unlimited).

23 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Ducks
24 Unlimited).

25 (y) Spay neuter:

26 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the animal control and
27 care fund established under KRS 258.119).

2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the animal control
and care fund established under KRS 258.119).

3 (z) Gold Star Mothers:

4 1. Initial Fee: \$15 (\$12 SF/\$3 CF/ \$0 EF).

5 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/ \$0 EF).

(3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).

13 Section 2. KRS 186.164 is amended to read as follows:

(1) The SF portion of the fee required under KRS 186.162 shall include the fee to reflectorize all license plates under KRS 186.240. All EF fees required under KRS 186.162 shall be collected at the time of an initial or renewal application by the county clerk who shall forward the EF fee to the cabinet. The cabinet shall remit EF fees to the group or organization identified in KRS 186.162 on a quarterly basis. The cabinet may retain any investment income earned from holding EF fees designated to be remitted under this subsection to offset administrative costs incurred by the cabinet in the administration of EF fees.

(2) A special license plate shall be the color and design selected by the group or organization identified in subsection (13) of this section, contingent upon the approval of the Transportation Cabinet. In addition to the design selected for a special license plate, the name "Kentucky," an annual renewal decal, and any combination of letters or numerals required by the cabinet in the design shall also appear on the plate.

- 1 (3) Except as provided in KRS 186.162, the total initial fee for a special license plate
2 created under this chapter shall be twenty-eight dollars (\$28), of which the
3 Transportation Cabinet shall receive twenty-five dollars (\$25) and the county clerk
4 shall receive three dollars (\$3), and the total renewal fee shall be fifteen dollars
5 (\$15), of which the Transportation Cabinet shall receive twelve dollars (\$12) and
6 the county clerk shall receive three dollars (\$3). The twenty-five dollar (\$25) initial
7 fee and twelve dollar (\$12) renewal fee received by the Transportation Cabinet
8 under this subsection shall include an applicant's registration fee required under
9 KRS 186.050.
- 10 (4) An actual metal special license plate shall be issued on the same schedule as regular
11 license plates are issued under KRS 186.240. The cabinet shall have the discretion
12 to extend the time period that will exist between the date a metal special license
13 plate is issued and the date that regular plates are issued under KRS 186.240. A
14 renewal registration decal shall be issued all other years during the owner's or
15 lessee's birth month, except as provided in KRS 186.041(2), 186.042(5), and
16 186.174(2). A person seeking a special license plate for a vehicle provided as part
17 of the person's occupation shall conform to the requirements of KRS 186.050(14).
- 18 (5) (a) If a special license plate issued under this chapter deteriorates to the point that
19 the lettering, numbering, or images on the face of the plate are not legible, the
20 plate shall be replaced free of charge, if the owner or lessee has not transferred
21 the vehicle to which the plate was issued during the current licensing period.
- 22 (b) If a special license plate issued under this chapter is lost, stolen, or damaged in
23 an accident, the county clerk shall issue a new plate upon payment of a three
24 dollar (\$3) county clerk fee, if the owner or lessee has not transferred the
25 vehicle to which the plate was issued during the current licensing period.
- 26 (6) Upon the sale, transfer, or termination of a lease of a vehicle with any special
27 license plate issued under this chapter, the owner or lessee shall remove the special

1 plate and return it and the certificate of registration to the county clerk. The county
2 clerk shall reissue the owner or lessee a regular license plate and a certificate of
3 registration upon payment of a three dollar (\$3) county clerk fee. If the owner or
4 lessee requests, the county clerk shall reissue the special plate upon payment of a
5 three dollar (\$3) county clerk fee for use on any other vehicle of the same
6 classification and category owned by the person during the current licensing period.
7 If the owner or lessee has the special plate reissued to another vehicle, the regular
8 license plate that is being replaced shall be returned to the county clerk who shall
9 forward the plate to the Transportation Cabinet.

10 (7) A special license plate may be issued to the owner or lessee of a motor vehicle that
11 is required to be registered under KRS 186.050(1), (3)(a), or (4)(a), except a special
12 license plate shall not be issued to a taxicab, airport limousine, or U-Drive-It
13 registered and licensed under this chapter or KRS Chapter 281. A person applying
14 for a special license plate shall apply in the office of the county clerk in the county
15 of the person's residence, except as provided in KRS 186.168(3). All special license
16 plates issued under this chapter may be combined with a personalized license plate
17 under the provisions of KRS 186.174. The fee to combine a special license plate
18 with a personalized license plate shall be as established in KRS 186.162(3).

19 (8) Within thirty (30) days of termination from election to, appointment to, or
20 membership with any group or organization, an applicant to whom a special license
21 plate was issued under this chapter shall return the special license plate to the
22 county clerk of the county of his or her residence, unless the person is merely
23 changing his or her status with the group or organization to retired.

24 (9) A group wanting to create a special license plate that is not authorized under this
25 chapter on June 20, 2005, shall comply with the following conditions before being
26 eligible to apply for a special license plate:

27 (a) The group shall be nonprofit and based, headquartered, or have a chapter in

1 Kentucky;

2 (b) The group may be organized for, but shall not be restricted to, social, civic, or
3 entertainment purposes;

4 (c) The group, or the group's lettering, logo, image, or message to be placed on
5 the license plate, if created, shall not discriminate against any race, color,
6 religion, sex, or national origin, and shall not be construed, as determined by
7 the cabinet, as an attempt to victimize or intimidate any person due to the
8 person's race, color, religion, sex, or national origin;

9 (d) The group shall not be a political party and shall not have been created
10 primarily to promote a specific political belief;

11 (e) The group shall not have as its primary purpose the promotion of any specific
12 faith, religion, or antireligion;

13 (f) The name of the group shall not be the name of a special product or brand
14 name, and shall not be construed, as determined by the cabinet, as promoting a
15 product or brand name; and

16 (g) The group's lettering, logo, image, or message to be placed on the license
17 plate, if created, shall not be obscene, as determined by the cabinet.

18 (10) If the cabinet denies to issue a group a special license plate based upon the
19 conditions specified in subsection (9) of this section, the group may appeal the
20 denial to the next regularly scheduled session of the General Assembly for review
21 of the denial and action on the group's request for a special license plate. The
22 cabinet shall, immediately upon denying to issue a group a special license plate,
23 notify in writing the chairperson of both the House and Senate Transportation
24 Committees of the General Assembly of the denial and the reasons upon which the
25 cabinet based the denial. The House and Senate chairpersons shall be required to
26 present the information to his or her respective committee for consideration within
27 the first ten (10) days of the next regularly scheduled session of the General

- 1 Assembly, if requested to do so in writing by the group who was denied a special
2 license plate. A person seeking a personalized license plate under KRS 186.174
3 shall be subject to the conditions specified in subsection (9)(c) to (g) of this section.
- 4 (11) If the cabinet approves a request for a special license plate, the cabinet shall begin
5 designing and printing the plate after the group collects a minimum of nine hundred
6 (900) applications with each application being accompanied by a twenty-five dollar
7 (\$25) state fee. The applications and accompanying fee shall be submitted to the
8 cabinet at one (1) time as a whole and shall not be submitted individually or
9 intermittently.
- 10 (12) An initial applicant for, or an applicant renewing, his or her registration for a special
11 license plate may, at the time of application, make a voluntary contribution that the
12 county clerk shall forward to the cabinet. The cabinet shall, on an annual basis,
13 remit the voluntary contributions to the appropriate group identified to be used for
14 the declared purpose stated under subsection (13) of this section. The cabinet may
15 retain any investment income earned from holding voluntary contributions
16 designated to be remitted under this subsection to offset administrative costs
17 incurred by the cabinet in the administration of the contributions. Any group or
18 organization that receives a mandatory EF fee under KRS 186.162 shall submit the
19 information required under subsection (13)(a) and (c) of this section to the
20 Transportation Cabinet within thirty (30) days of June 20, 2005.
- 21 (13) If a group wants to receive a donation when the group or organization's special
22 license plate is initially purchased or renewed under subsection (12) of this section,
23 the group shall, at the time the nine hundred (900) applications are submitted to the
24 Transportation Cabinet, also submit a notarized affidavit to the cabinet attesting to:
- 25 (a) The name, address, and telephone number for the group or organization. If the
26 group or organization does not have its headquarters in the Commonwealth,
27 then the name, address, and telephone number for the group or organization's

1 Kentucky state chapter shall be required. The names of the officers of the
2 group or organization shall also be required. If the entity receiving funds
3 under subsection (12) of this section is not a state governmental agency, a
4 program unit within a state governmental agency, or is a group or organization
5 that does not have a statewide chapter, then an extra donation for use by the
6 group or organization shall be prohibited;

7 (b) The amount of the monetary donation the group wants to receive when a
8 person purchases the group or organization's special license plate; and

9 (c) The purpose for which the donated funds will be used by the group or
10 organization. Donated funds shall not be limited for use by members of the
11 group or organization, and shall not be used for administrative or personnel
12 costs of the group or organization.

13 (14) All funds received by a group or organization under subsection (12) of this section
14 shall be deposited into an account separate from all other accounts the group or
15 organization may have, and the account shall be audited yearly at the expense of the
16 group or organization. The completed audit shall be forwarded to the Transportation
17 Cabinet in Frankfort. One hundred percent (100%) of the funds received by a group
18 or organization under subsection (12) of this section shall be used for the express
19 purpose identified by the group in subsection (13) of this section. Any group or
20 organization that receives a mandatory EF fee under KRS 186.162 shall comply
21 with the provisions of this subsection.

22 (15) The secretary of the Transportation Cabinet shall promulgate administrative
23 regulations under KRS Chapter 13A to establish additional rules to implement the
24 issuance of special license plates issued under this chapter, including but not limited
25 to:

26 (a) Documentation that will be required to accompany an application for a special
27 license plate to provide proof of election to the United States Congress or the

1 Kentucky General Assembly; election or appointment to the Kentucky Court
 2 of Justice; membership in a Masonic Order, Fraternal Order of Police, or
 3 ~~disaster and~~ emergency management~~[services]~~ organization; membership in
 4 the Gold Star Mothers of America; or ownership of an amateur radio operator
 5 license;

6 (b) The time schedule permissible for a group or organization to request a design
 7 change for the special license plate; and

8 (c) The procedures for review of proposed license plates and the standards by
 9 which proposed special license plates are approved or rejected in accordance
 10 with subsection (9) of this section.

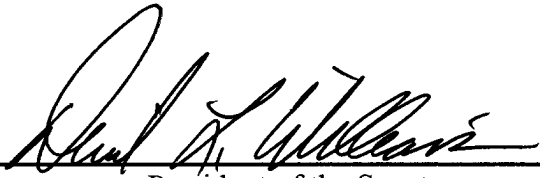
11 (16) Any individual, group, or organization that fails to audit any funds received under
 12 this chapter, or that intentionally uses any funds received in any way other than
 13 attested to under subsection (13) of this section or for administrative or personnel
 14 costs in violation of subsection (13) of this section shall be guilty of a Class D
 15 felony and upon conviction shall, in addition to being subject to criminal penalties,
 16 be assessed a mandatory five thousand dollar (\$5,000) fine.

17 Section 3. KRS 186.166 is amended to read as follows:

18 (1) The Transportation Cabinet shall, unless directed otherwise by the General
 19 Assembly, perpetually produce the following special license plates: military license
 20 plates, U.S. Congressional license plates, volunteer firefighter license plates,
 21 ~~disaster and~~ emergency management~~[services]~~ license plates, Fraternal Order of
 22 Police license plates, Law Enforcement Memorial license plates, street rod license
 23 plates, nature license plates, amateur radio license plates, Kentucky General
 24 Assembly license plates, Kentucky Court of Justice license plates, Masonic Order
 25 license plates, collegiate license plates, independent college and university license
 26 plates, child victims' trust fund license plates, Kentucky Horse Council license
 27 plates, Ducks Unlimited license plates, Gold Star Mothers license plates, and spay

1 neuter license plates.

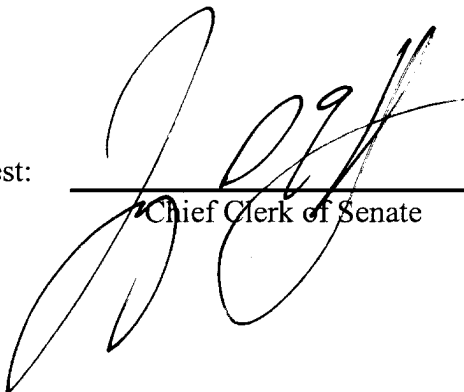
2 (2) The design of the plates identified for perpetual production under this section may
3 be revised upon request of a group or organization requesting a design revision
4 under the provisions of KRS 186.164(15).



President of the Senate



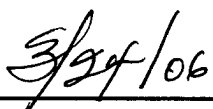
Speaker House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 

3/24/06